

**VIRGINIA BOARD OF MEDICINE  
EXECUTIVE COMMITTEE MINUTES**

Friday, December 7, 2007

Department of Health Professions

Richmond, VA

**CALL TO ORDER:** The meeting convened at 8:50 a.m.

**MEMBERS PRESENT:** Stephen Heretick, JD, President  
Robert Mosby, MD, Vice-President  
Jane Piness, MD, Secretary-Treasurer  
Suzanne Everhart, DO  
Valerie Hoffman, DC  
Ellen Shapiro, DPM  
Malcolm Cothran, MD, Ex Officio

**MEMBERS ABSENT:** Gen. Clara Adams-Ender, RN, MSN, USA Retired  
Sandra Bell, MD

**STAFF PRESENT:** William L. Harp, MD, Executive Director  
Jennifer Deschenes, Deputy Executive Director - Discipline  
Barbara Matusiak, MD, Medical Review Coordinator  
Ola Powers, Deputy Executive Director - Licensure  
Kate Nosbisch, Deputy Executive Director – Practitioner Information  
Sandra Ryals, Director, DHP  
Emily Wingfield, Chief Deputy Director, DHP  
Amy Marschean, Assistant Attorney General  
Ishneila Moore, Assistant Attorney General  
Elaine Yeatts, DHP Senior Policy Analyst  
Colanthia Morton Opher, Recording Secretary

**OTHERS PRESENT:** Scott Johnson, HDJN  
Tyler Cox, HDJN  
Michael Jurgensen, MSV

**ROLL CALL**

**Emergency Evacuation Procedures**

Dr. Mosby gave verbal emergency evacuation instructions.

**Adoption of Agenda**

Dr. Cothran moved to adopt the agenda as presented. The motion was seconded and carried.

## **Approval of the August 10, 2007 Minutes**

Dr. Mosby moved to accept the minutes of August 10, 2007. The motion was seconded and carried. The minutes will be corrected to reflect the presence of Ms. Nosbisch at that meeting.

## **Public Comment on Agenda Items**

There was no public comment on agenda items.

## **NEW BUSINESS**

### **Petitioner for Rulemaking – Professional and Occupational Licensing**

Ms. Yeatts reviewed the petition as presented in the agenda packet and noted that to date, no comments have been received. Ms. Yeatts advised the Committee that the petitioner was concerned that the fee for reinstatement of a license for medicine and surgery was more costly than the fee for an initial license for medicine and surgery.

After discussion, Dr. Everhart moved that the Board re-evaluate the existing fee structure in its entirety for possible adjustments and re-alignment. The motion was seconded and carried.

### **Approval of the Credentials Committee's Recommendation**

Dr. Harp presented the recommendations of the October 18, 2007 meeting of the Credentials Committee in the matters of Gregory C. Moore, MD and Sunok Hong, MD.

The Committee unanimously approved the Credential Committee's recommendation regarding Dr. Moore and Dr. Hong.

### **Executive Director's Report**

Dr. Harp informed the Committee that General Adams-Ender's absence was due to her attendance at FSMB's conference in Dallas. Dr. Harp stated that General Adams-Ender also represented the Board at the Citizens Advocacy Center Meeting this past October.

Dr. Harp updated the Committee on the progress of three paid claims competency assessment.

Dr. Harp apprised the Committee of some concerns with the Mixing, Diluting, and Reconstituting regulations for pediatric offices. Dr. Harp explained that the concerns address the burden of the requirements, and also advised that this issue will be on the Legislative Committee's agenda January 25, 2008.

## **Agency Director's Report**

Ms. Ryals gave an update on the Agency's and Board's budgetary requests, key performance and disciplinary resolutions. Ms. Ryals reported that the 2008 legislative session is gearing up and advised that she would be reporting more details in the months to come.

Ms. Ryals stated that the impact of resolution in cases with patient harm is beginning to be seen and attributed part of this progress to the decision to delegate additional authority to board staff. Ms. Ryals stated that she will be providing statistical information on dual tracks that will more clearly demonstrate progress on older cases and of the efforts to resolve them. Ms. Ryals gave accolades to Board staff and members for their efforts to meet the goals set forth by the Governor.

Dr. Harp added that due to Dr. Matusiak's diligence, Medicine was credited with almost half the DHP case closures in the last period measured.

## **Board Counsel Report**

Ishnelia Moore, AAG reported on the status of Dr. Vuyyuru's case which was argued before the Court of Appeals December 5, 2007. Ms. Moore also advised that the Attorney General's Office will be defending two DHP investigators in state court in a suit filed against them by Dr. Vuyyuru.

## **Discipline Report**

Ms. Deschenes reported that currently there are 1845 cases open for the Board at various stages; with the most notable being 137-APD, 714-Investigations, and 40-OAG (for one individual). In addition Ms. Deschenes stated that 722 cases are presently assigned to Dr. Matusiak noting that this number is down from 888 in October 2007. Case priorities are as follows: (A-122, B-384, C-954, D-261).

Ms. Deschenes went on to say that Board staff has tried to identify cases that would lend themselves to settlement by Consent Orders, Advisory letters, CCA's, etc. and of the cases scheduled for an IFC/formal, 40 were settled by CO without having to convene the proceeding.

Ms. Deschenes advised that cases have been scheduled through January 2008 and 37 cases are waiting to be scheduled; there are currently 9 formal hearings that will be scheduled and some may be on the docket for the February 2008 board meeting.

Ms. Deschenes informed the board that the newly implemented procedures for consideration of continuance requests are going smoothly, and it has reduced the turnaround time to provide a decision to the licensee or counsel. Ms. Deschenes stated that she has and will continue to contact the Chair if there is an issue that warrants input for final determination.

Ms. Deschenes notified the Committee that board staff is still experiencing last-minute unavailability of Board members for IFC/formal hearing coverage. Ms. Deschenes stated that this is creating extra work for board staff. Ms. Deschenes encouraged the committee members to

remember their obligation to the Board and the Commonwealth, and to inform board staff as soon as possible of any conflicts that may affect the assigned meeting dates.

Ms. Deschenes then addressed the overbooking of cases for meeting dates. Ms. Deschenes suggested that members call board staff with any scheduling memo concerns.

Lastly, Ms. Deschenes wanted the Committee to know that the Discipline Division is devoted to trying to assist the Board/Committee members in meeting the Governor's goal and know it can be achieved with everyone's input and participation.

### **Announcements**

Dr. Harp asked the Committee to entertain the idea of a retreat in early 2008. After a brief discussion, Mr. Heretick appointed Dr. Everhart and Dr. Hoffman as coordinators for this occasion. Ms. Ryals offered the assistance of Ms. Jolly as a helpful resource for planning this event.

**Next scheduled meeting:** April 4, 2008

**Adjournment:** With no other business to conduct, the meeting adjourned at 9:30 a.m.

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Stephen E. Heretick, JD  
President

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William L. Harp, M.D.  
Executive Director

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Colanthia Morton Opher  
Recording Secretary